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BEFORE THE ARIZONA CORPORATION COMMISSION

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SUSAN BITTER SMITH, Chairman  
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ARIZONA CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

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IN THE MATTER OF THE APPLICATION  
OF LIBERTY UTILITIES (LITCHFIELD  
PARK WATER AND SEWER), CORP. FOR  
APPROVAL OF AN EXTENSION OF  
THEIR CERTIFICATE OF CONVENIENCE  
AND NECESSITY FOR WATER UTILITY  
SERVICE IN MARICOPA COUNTY,  
ARIZONA.

DOCKET NO. W-01427A-14-0134

ORIGINAL

IN THE MATTER OF THE APPLICATION  
OF LIBERTY UTILITIES (LITCHFIELD  
PARK WATER AND SEWER), CORP. FOR  
APPROVAL OF AN EXTENSION OF  
THEIR CERTIFICATE OF CONVENIENCE  
AND NECESSITY FOR WASTEWATER  
UTILITY SERVICE IN MARICOPA  
COUNTY, ARIZONA.

DOCKET NO. SW-01428A-14-0180

IN THE MATTER OF THE APPLICATION  
OF VALLEY UTILITIES WATER  
COMPANY, INC. FOR AN EXTENSION OF  
ITS CERTIFICATE OF CONVENIENCE  
AND NECESSITY TO PROVIDE WATER  
UTILITY SERVICE IN MARICOPA  
COUNTY, ARIZONA

DOCKET NO. W-01412A-14-0262

NOTICE OF FILING FRANCHISE

Attached hereto as Exhibit A is the Maricopa County franchise granted to Liberty  
Utilities Inc. dated October 22, 2014, which includes the Marbella Ranch property.

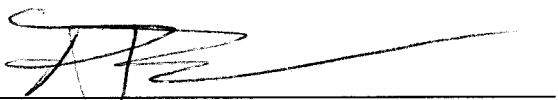
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RESPECTFULLY SUBMITTED, this 9<sup>th</sup> day of January, 2015.

FENNEMORE CRAIG, P.C.

By:   
Patrick J. Black  
Attorneys for Liberty Utilities (Litchfield  
Park Water and Sewer) Corp.

ORIGINAL and 13 copies filed  
this 9<sup>th</sup> day of January, 2015 with:

Docket Control  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

COPY of the foregoing was hand-delivered and/or  
mailed/emailed this 9<sup>th</sup> day of January, 2015, to:

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Arizona Corporation Commission  
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Phoenix, AZ 85007

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4 Phoenix, Arizona 85016  
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**EXHIBIT A**



## Maricopa County

Clerk of the Board of Supervisors

301 W. Jefferson St, 10<sup>th</sup> Fl.  
Phoenix, Arizona 85003-2148  
Phone: (602) 506-3767  
Fax: (602) 506-6402

**Date:** January 8, 2015

**To:** Tom Krepitch  
Liberty Utilities (Litchfield Park Water & Sewer) Corp.

**From:** Constance Copeland, Deputy Clerk of the Board

**Subject:** Franchise Approval Documents and Requirements

Please find attached the following documentation regarding the approval of your franchise application:

- Clerk's Certification certifying the decision by the Board of Supervisors regarding your franchise application, and
- Franchise Resolution, signed by the Board.

The attached Resolution requires that the Certificate of Convenience and Necessity procured from the Corporation Commission of the State of Arizona be submitted to our office by April 22, 2015.

Facilities may not be installed until this Certificate is received by our office. In addition, if this Certificate is not received in our office by the date noted above, then this franchise approval is null and void.

# COUNTY OF MARICOPA

State of Arizona

## Office of the Clerk

Board of Supervisors

State of Arizona                    ) ss.  
County of Maricopa                )

*I, Constance Copeland, Deputy Clerk of the Board of Supervisors, do hereby certify that the following is a true and correct statement of the agenda item and the action taken by the Board of Supervisors at their meeting held on October 22, 2014.*

**7. PUBLIC SERVICE FRANCHISE - LIBERTY UTILITIES (LITCHFIELD PARK WATER & SEWER) CORP.**

Pursuant to A.R.S. §40-283, convene the scheduled public hearing, to solicit comments and consider the application by Liberty Utilities (Litchfield Park Water & Sewer) Corp., for a public service franchise to expand water and wastewater utility service to the residents of Marbella Ranch as described below residing in Maricopa County. The hearing will consider whether the applicant is able to adequately maintain facilities in county rights-of-way. Upon Board approval, authorize the Chairman to sign the Franchise Resolution. (C-06-15-106-7-00)

Marbella Ranch: That portion of Section 2, Township 2 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

The Northeast Quarter of said Section 2:  
EXCEPT the south 20.00 feet of said Northeast Quarter;

The East Half of the Northwest Quarter of said Section 2:  
EXCEPT the South 20.00 feet of said Northwest Quarter; and  
The West 400.44 feet of the South 1,724.91 feet of said Northwest Quarter;

The Southeast Quarter of said Section 2;  
EXCEPT the North 140.00 feet of said Southeast Quarter.

Motion to approve by Supervisor Kunasek, seconded by Supervisor Hickman

Ayes: Barney, Kunasek, Hickman, Rogers  
Absent: Chucri



*IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the County of Maricopa. Done at Phoenix, the County Seat, on January 8, 2015.*

*Constance Copeland*  
Deputy Clerk of the Board of Supervisors

## BEFORE THE BOARD OF SUPERVISORS

OF

MARICOPA COUNTY, STATE OF ARIZONA

IN THE MATTER OF THE APPLICATION OF )

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)

Liberty Utilities (Litchfield Park Water & Sewer) Corp.  
(C-06-15-094-7-00)

FRANCHISE

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FOR A FRANCHISE

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, STATE OF ARIZONA, THAT:

WHEREAS, Liberty Utilities (Litchfield Park Water & Sewer) Corp. hereinafter designated as the Grantee, doing business in Maricopa County, Arizona, submitted an application bearing date of September 10, 2014, praying for the right, privilege, license and franchise to construct, maintain and operate all necessary equipment along, upon, under and across public highways, roads, alleys and thoroughfares (excepting State Highways) for the supplying of water and wastewater utility service for a period not to exceed twenty-five (25) years or for a period of one (1) year after the franchised area or a portion thereof is annexed by a municipality, whichever is shorter, within that portion of Maricopa County, Arizona, known and described as follows, to-wit:

**Marbella Ranch**

**That portion of Section 2, Township 2 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:**

**The Northeast Quarter of said Section 2;**

**EXCEPT the south 20.00 feet of said Northeast Quarter;**

**The East Half of the Northwest Quarter of said Section 2;**

**EXCEPT the South 20.00 feet of said Northwest Quarter; and**

**The West 400.44 feet of the South 1,724.91 feet of said Northwest Quarter;**

**The Southeast Quarter of said Section 2;**

**EXCEPT the North 140.00 feet of said Southeast Quarter.**

and not within the confines of any incorporated city or town, and under such restrictions and limitations and upon such terms as the Board of Supervisors may provide, not inconsistent with the laws of the State of Arizona, or the orders and rules of the Corporation Commission of the State of Arizona, and that the Board take such proceedings herein as is provided by laws of the State of Arizona; and

WHEREAS, upon filing said application, the said Board of Supervisors on September 24, 2014 ordered that public notice of the intention of said Board to make such grants be given by publishing a notice in the official newspaper of Maricopa County, published in the County of Maricopa, State of Arizona, and that 9:00 a.m., on Wednesday, at the meeting room of said Board of Supervisors located at 205 West Jefferson Street, in the City of Phoenix, Arizona, be set as the time and place to consider the said application; and

WHEREAS, the said application coming on regularly for consideration on said day and it appearing by the affidavit of the duly authorized agent of the said time and place set for the consideration of such application has been published for at least once a week for the three-week period prior to said date set forth herein, to-wit:

In the issues of the said newspaper on October 2, 9, and 16, 2014, and it appearing that no sufficient protest has been filed by the qualified electors of the said County petitioning said Board of Supervisors to deny such license and franchise, and it further appearing the best interests of Maricopa County will be served by the granting of said application and the franchise referred to therein;

NOW, THEREFORE, the Board of Supervisors of Maricopa County, State of Arizona, acting on behalf of said County does hereby grant unto Liberty Utilities (Litchfield Park Water & Sewer) Corp, doing business in Maricopa County, Arizona, subject to the terms, conditions and limitations hereinafter contained, the right, privilege, license and franchise to construct, maintain and operate an extension to an existing water and wastewater utility service, for a period of not to exceed twenty-five (25) years or for a period of one (1) year after the franchised area is annexed by a municipality, whichever is shorter, for the supplying of this service along, upon, under and across the public highways, roads, alleys and thoroughfares (excepting State highways) within that portion of Maricopa County, Arizona, hereinabove described, under such restrictions and limitations and upon such terms as this Board at any time may provided, not inconsistent with the laws of the State of Arizona, or the orders and rules of the Corporation Commission of the State of Arizona, specifically providing, however, that:

- 1) All rights hereunder are granted under the express condition that the Board of Supervisors of said Maricopa County shall have the power at any time to impose such restrictions and limitations and to make such regulations on such highways, roads, and thoroughfares as may be deemed best for the public safety, health, welfare and convenience.
- 2) All rights hereby granted shall be exercised so as to not interfere or conflict with any easements or rights-of-way heretofore granted by said Board of Supervisors and now in force.
- 3) All rights hereby granted shall be exercised so as not to interfere or conflict with any easement, either public or private, of whatsoever nature, which has been acquired in or to the proper use of said highway, roads, and thoroughfares, or any portion thereof.
- 4) All rights hereby granted shall be exercised so as not to interfere or conflict with or endanger in any way the proper use by the public of said highways, roads, and thoroughfares, or any portion thereof.
- 5) That the said Grantee shall bear all expenses incurred including damages and compensation for the alteration of the course, direction, surface, grade or alignment of any of the said highways, roads and thoroughfares necessarily made by the said grantee for the purpose of this franchise; that said grantee will maintain his equipment from time to time as may be needed, without the necessity of notice from Maricopa County. In the event the said grantee shall fail to make any repairs within ten days from the time same becomes necessary, then Maricopa County may cause the same to be made, and said grantee agrees to pay Maricopa County the cost thereof.
- 6) That all property of the franchise be installed and operated by the said grantee and shall be placed, removed or relocated, initially and throughout



the term of this franchise, along, in, over, under and across the said highway, roads and thoroughfares, in such a manner and location as the Board of Supervisors or its duly authorized agents may designate. Such placement, removal or relocation shall be done at the sole expense of the grantee upon a determination by the Board of Supervisors of Maricopa County that such placement, removal or relocation is necessary.

If the grantee fails or refuses to so remove or relocate, Maricopa County may so remove or relocate, at the sole expense of grantee, such expense to include any and all damages and compensation of whatsoever nature arising therefrom.

In this section the term "property" includes conduits, pipe, wires, poles, or other structures and appliances used to supply or deal in gas, electricity, lights, water, heat, refrigeration, power, telephones, telegraph, television and other public utilities.

Any finding or determination made by the Board of Supervisors pursuant hereto shall be final and binding upon the grantee whether or not such findings or determinations relates to the requirements of public safety or welfare, the use of public roads or the need for proposed improvements, and whether or not the function to be served by such removal or relocation is of a governmental or proprietary nature.

- 7) That said grantee shall indemnify and save harmless, the said County of Maricopa from all costs, expense and liabilities in connection with the granting of this franchise and exercise of the same by them.
- 8) That the rights of any person claiming to be injured in any manner by the maintenance of said projects and equipment shall not be affected hereby.
- 9) That the terms and conditions of this franchise shall inure to the benefit of, and be binding upon, all the heirs and assigns of the said Grantee.
- 10) That the franchise and privilege herein granted shall not be deemed to be exclusive and the said Board of Supervisors hereby expressly reserves the right and power to grant from time to time similar franchises and privileges over the same territory and highways, roads and thoroughfares.
- 11) This franchise is granted upon the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona within six months from the date of granting of this franchise and proof thereof submitted to the Board of Supervisors; and if such Certificate is not granted within six months from said date, then this franchise may be declared void. If the Certificate of Convenience and Necessity is not procured from the Corporation Commission within six months from the date of granting of this franchise, the franchisee may submit proof to the Board of Supervisors of application made to the Corporation Commission for the Certificate and the franchisee will be granted a six month extension for the procurement of the Certificate, for a total of twelve months from the date of granting of this franchise.
- 12) That no facilities shall be installed until the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona and such Certificate has been delivered to the Board of Supervisors.
- 13) This franchise is granted upon the express condition that all of the Property Tax obligations of the franchisee shall remain current and if

such taxes are not current, then this franchise extension is deemed void.


- 14) All materials and construction methods used with the public right-of-way shall conform to the applicable standards, specifications and special provisions currently in effect in Maricopa County.
- 15) The Franchise holder shall obtain a construction permit from the Office of the County Engineer prior to construction of any facilities in the public right-of-way.

DATED this 22<sup>nd</sup> day of October, 2014.



Chairman, Board of Supervisors

ATTEST:



Clerk, Board of Supervisors